

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Wood Creek Properties of Landrum, LLC,)	
)	
Plaintiff,)	C.A. No. 7:20-3249-HMH
)	
vs.)	OPINION & ORDER
)	
Duke Energy Carolinas, LLC, and)	
Duke Energy Corporation,)	
)	
Defendants.)	

Defendants have submitted two surveys of the property at issue in support of their motion for summary judgment. One is R. Daniel Proctor's survey of the property, which reflects certain power lines. (Mem. Supp. Summ. J. Ex. M (Procter Survey), ECF No. 48-14.) The other survey is from Mark Clairmont's Rule 30(b)(6) deposition, which appears to be the same document with additional lines drawn on the survey by hand. (Mem. Supp. Summ J. Ex. L (Clairmont Dep. Ex. 1 Survey), ECF No. 48-13.) The location of the underground lines drawn by Mr. Clairmont appear to be inconsistent with Daniel Procter's survey, which does not show an underground line running from right to left or any underground line crossing the bottom left corner of the property. The Defendants are directed to submit a survey without delay showing

precisely where the underground line(s) is/are located as it relates to the issues in this case.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
November 4, 2021